

Exhibit 68

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA
CIVIL ACTION NO. 1:14-CV-00954-LCB-JLW

STUDENTS FOR FAIR
ADMISSIONS, INC.,

Plaintiffs,

vs.

UNIVERSITY OF NORTH
CAROLINA, et al.,

Defendants.

AMENDED DEPOSITION
OF
STEPHEN FARMER

THIS DEPOSITION CONTAINS HIGHLY CONFIDENTIAL AND
PROPRIETARY INFORMATION AND IS SUBJECT TO A PROTECTIVE
ORDER RESTRICTING PUBLIC DISCLOSURE OF ITS CONTENTS

TAKEN AT THE OFFICES OF:
UNIVERSITY OF NORTH CAROLINA AT CHAPEL HILL
222 East Cameron Avenue
110 Bynum Hall
Chapel Hill, NC 27514

06-28-17
8:24 A.M.

Michael B. Lawrence
Court Reporter

Civil Court Reporting, LLC
P.O. Box 1146
Clemmons, NC 27012
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The witness, STEPHEN FARMER, being first duly sworn to state the truth, the whole truth, and nothing but the truth, testified as follows:

(8:24 a.m.)

EXAMINATION

BY MR. STRAWBRIDGE:

Q. Good morning, Mr. Farmer. My name is Patrick Strawbridge. I am a lawyer with the law firm Consolvo McCarthy Park and we represent Student for Fair Admissions, Incorporated, in this case.

How are you doing today?

A. I'm fine, Mr. Strawbridge. How are you?

Q. Good. Just for the record can you go ahead and state your name and your business address for the record?

A. Sure. Stephen Farmer, 152 Country Club Road in Chapel Hill, North Carolina, the Office of Undergraduate Admissions.

Q. Okay. And what is your title -- do you have a title at UINC?

A T do

Q. And what is your title?

A. Vice Provost for Enrollment and

1 Undergraduate Admissions.

2 Q. All right. And that makes you
3 essentially the head of the Admissions Office?

4 A. It does.

5 Q. I want to talk a little bit about some
6 of the ground rules today. I'm sure that your
7 attorneys have gone over these with you.

8 I'll just start by asking have you ever
9 been deposed before?

10 A. I've not.

11 Q. Okay. Have you ever given testimony in
12 court before?

13 A. I don't think so. Maybe once 25 years
14 ago, but I don't know for sure.

15 Q. On some matter unrelated to UNC
16 admissions?

17 A. Yes.

18 Q. Okay. So obviously you can see that we
19 have a reporter here who's going to be creating a
20 transcript of the record and recording the
21 proceedings. It's important as part of that that
22 I get a verbal response from you to each of my
23 questions, yes or no.

24 A. I understand.

25 Q. We need to do our best to avoid

1 A. Well, I'm sorry. He -- so I think his
2 title changed the year before.

3 Q. Right.

4 A. I think his job changed in 2003 and I --
5 again, I think. And so he retained that role. We
6 still had two senior associate directors in the
7 Admissions Office for a year because he was still
8 the admissions director. His office was still in
9 Jackson Hall, which is where the Admissions Office
10 is located.

11 And then after, I think it was a year,
12 he asked me to take on the role of the admissions
13 director. He moved his office over to Vance or
14 Pettigrew, which is -- at the time it was in the
15 bottom part of the building where the Office of
16 Scholarships and Student Aid is located. And when
17 he moved and we changed the title, the Admissions
18 Office had a different director and I was the
19 director.

20 Q. And did your responsibilities change at
21 the same time your title changed?

22 A. Yes.

23 Q. Okay. What were your responsibilities
24 -- how did your responsibilities change?

25 A. I became responsible for all of the work

1 of the Office of Admissions.

2 Q. Okay. At that time did you start
3 reading files?

4 A. I'd actually started reading files, I
5 think, the year before.

6 Q. Okay. And how come that change took
7 place?

8 A. We needed other people to read. I think
9 we had made some -- the office had made some
10 improvements in its reading process and some
11 changes in its reading process that I had helped
12 Jerry and I'd helped Barbara think through. So I
13 had begun reading, I think it was a year earlier.

14 Q. And did you have particular regions or
15 -- or areas of responsibility with respect to the
16 files that you were charged with reading?

17 A. No, not that I remember.

18 Q. It was just kind of some random
19 assignment?

20 A. Yeah, I mean -- yeah.

21 Q. And do you know at that point in time
22 how many files a year you were reading
23 approximately?

24 A. I don't. I -- probably fewer than I was
25 reading at Virginia but I -- I can't really

1 at higher rates than others.

2 So for example, resident students as a
3 group yielded higher rates than nonresident
4 students. And within resident students -- and I
5 can't remember what's in the model now. Students
6 who have stronger test scores yield at lower rates
7 than people who have lower test scores. And
8 students who apply early yielded at different
9 rates from those who apply late. And students who
10 were underrepresented historically have yielded in
11 different rates from those who are not.

12 So the reason why all those things are
13 built in the model is just that the Odum Institute
14 person took a look at the data and said if you're
15 trying to predict with more accuracy who's going
16 to show up, take these things into account in your
17 cells.

18 Q. When you say underrepresented, are you
19 referring to underrepresented ethnicities?

20 A. Yes, I am.

21 Q. What is an underrepresented ethnicity at
22 UNC?

23 A. Here, students who identify themselves
24 as African American or as American Indian or as
25 Hispanic or Latino or Latina.

1 A. I'm sorry. I can't think of any.

2 Q. (Mr. Strawbridge) Why does UNC use race
3 as a factor in its admission decisions?

4 A. Because we want to enroll a class of
5 students here who through their talent and their
6 diversity will help us achieve our mission and
7 help us provide the educational benefits of
8 diversity to students and for that matter to
9 faculty members.

10 Q. And what is it about race that provides
11 those benefits?

12 A. It's not just race that provides those
13 benefits.

14 Q. But my question is what is it about race
15 that provides those benefits?

16 A. The fact that -- I understand. I was
17 just making the point that it's not just race. I
18 think race is complicated. I think race is
19 difficult to understand. I think race expresses
20 itself to a greater or lesser extent from
21 individual to individual.

22 So for all those reasons I think that
23 the reason why race is significant and our
24 providing the benefits of diversity is complicated
25 and it varies quite a bit and it varies over time.

1 race or ethnicity is complicated and it's not as
2 simple as checking a box.

3 Q. (Mr. Strawbridge) But the answer is
4 yes, you do report results based on the ethnicity
5 that people -- that candidates identify themselves
6 by.

7 MR. SCUDDER: Objection. The
8 answer -- the answer stands on the record.

9 A. Among many other ways of describing the
10 people who have chosen to come here, yes.

11 Q. (Mr. Strawbridge) And applicants are --
12 readers are instructed that they can take into
13 account the entire application file, correct?

14 A. They are.

15 Q. And the application file that's made
16 available to the readers includes the box that's
17 checked with respect to the racial identity to the
18 extent that information's provided.

19 A. It includes what the student has told us
20 about the student's race or ethnicity.

21 Q. Nothing prohibits readers from taking
22 that information into account in addition to
23 everything else in the application file.

24 A. They're expected to take into account
25 everything in the file and ---

1 Q. And do they ---

2 A. --- and they may take into account the
3 student's race or ethnicity as the student has
4 described it to us. And students describe it in
5 complicated ways actually. You know, it's
6 interesting.

7 (HIGHLY CONFIDENTIAL PORTION BEGINS ON PAGE 62)

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1 (CONTINUATION OF TESTIMONY)

2 A. So students tell us a lot about their
3 backgrounds and our readers may take those things
4 into account when they're making decisions, as
5 long as they're taking all the other things they
6 say into account as well.

7 Q. I think you testified that -- that the
8 purpose of taking race into account is to ensure
9 that the University achieves certain benefits that
10 are associated with diversity. Is that correct?

11 A. Yes, and I would add, as in the last two
12 examples that I gave, I think students tell us
13 things about themselves and sometimes the things
14 that they tell us about themselves include things
15 that have to do with their -- their race or their
16 ethnicity. And so another reason why we -- we
17 feel like we at least have to listen to students,
18 is that we feel that we owe them that.

19 Q. Is there a particular level of racial
20 diversity that the University has decided is
21 required to achieve the benefits associated with
22 racial diversity?

23 A. What do you mean by particular level?

24 Q. Is there a minimum amount of racial
25 diversity that's necessary to achieve those

1 benefits?

2 A. That's a complicated question. I don't
3 know. The University has talked pretty
4 consistently over time and especially since 2003
5 about wanting to make sure that we've achieved
6 critical masses particularly of underrepresented
7 students. Again because their numbers compared to
8 the population are smaller and they are
9 technically speaking, by the definition,
10 underrepresented here.

11 The notion of critical mass is a
12 complicated one. You know, I don't think it can
13 be defined necessarily in terms of the number. I
14 think the idea of critical mass, I mean here
15 anyway, the way that we've talked about it is that
16 the point of critical mass is to make sure that
17 every student at the University has the benefit of
18 studying alongside others who can help them grow,
19 who can -- can provide the educational benefits of
20 diversity. So that's one aim of critical mass.

21 But the other is to make sure that the
22 students within the groups whose critical masses
23 we're talking about feel at home and feel
24 confident in being who they are as individuals
25 rather than feeling as though they're always being

1 expected to be exemplars or representatives or
2 spokespeople for the group.

3 So the conversation here about how much
4 we need has focused on whether our students are
5 having a good experience here, whether they're
6 able to be who they are, whether they're able to
7 provide for their classmates the things that their
8 classmates need if we're going to do right by them
9 and whether the classmates are leaving here better
10 prepared for the world that they'll be entering.

11 Q. So how do you measure those -- how do
12 you measure critical mass?

13 A. It's not easy. I don't know that anyone
14 has figured out perfectly how to measure critical
15 mass.

16 Q. How does UNC ---

17 A. But I think ---

18 MR. SCUDDER: Let him -- let him
19 finish. Go ahead, Steve.

20 A. I think, if by assess -- if by measured
21 you mean assess, then I think we're trying all the
22 time to assess critical mass. And I think people
23 are thinking about critical mass.

24 Students here, in my experience anyway,
25 talking with them and reading the newspaper and

1 your time as director of admissions that there was
2 a particular result of the climate survey that was
3 tied to the determination as to whether the
4 University had achieved critical mass.

5 MR. SCUDDER: Object to the form.

6 A. You know, I remember with the 2005
7 survey a group of people across campus affirmed
8 the goal of the University's continuing to try to
9 secure critical masses of different populations of
10 students, but I don't know what led to that
11 affirmation and that goal or what survey results
12 that group may or may not have viewed.

13 Q. Is there an official definition of
14 critical mass at UNC?

15 MR. SCUDDER: Object to the form.

16 A. I don't know what you mean by official
17 definition.

18 Q. (Mr. Strawbridge) If someone asked you
19 what -- what does critical mass mean, is there any
20 written document you can refer them to that has
21 the UNC's definition of critical mass?

22 A. I don't know.

23 Q. All right.

24 MR. SCUDDER: Let's take a break
25 after the next question or two.

1 were asking me.

2 Q. Yeah, and now to make sure that we
3 understand, my question for you is, do you draw a
4 distinction between the number of students
5 sufficient to obtain critical mass versus the
6 number of students sufficient to obtain the
7 educational benefits of racial diversity?

8 A. No.

9 Q. Those things are the same to you?

10 A. Well, the reason -- well -- well, let me
11 answer the question that you asked, and I think --
12 would you go back to your original question?

13 Q. The -- the original question was whether
14 or not there was a different answer with respect
15 to your ability to provide an opinion as to
16 whether 5 percent of underrepresented minorities
17 would be sufficient for people to not feel like
18 they were spokespeople for their race.

19 A. Uh-huh (yes).

20 MR. SCUDDER: Object to the form.

21 Go ahead.

22 A. I -- I don't know. You know, I think
23 part of the reason why I don't know is that I
24 think people's -- students' reaction to
25 circumstances are different. We'd have to have a

1 them.

2 Q. And when you say where we are, do you
3 mean with respect to racial diversity?

4 MR. SCUDDER: Object to the form.

5 A. I mean broadly speaking. I mean the
6 quality of the class, the many different kinds of
7 diversity that are incorporated within the class.

8 Q. (Mr. Strawbridge) So you consider the
9 current level of racial diversity to be -- to be
10 sufficient to achieve UNC's goals?

11 MR. SCUDDER: Object to the form.

12 A. I think the current level is the current
13 level.

14 Q. (Mr. Strawbridge) Do you -- can you say
15 whether or not it is sufficient to achieve the
16 educational benefits of diversity?

17 MR. SCUDDER: Object to the form.

18 Asked and answered.

19 A. I -- I think the current level was the
20 current level. And again, as I tried to say, I
21 think we explain to people who's in the class.
22 Faculty members conduct their classes. They
23 conduct assessments of their learning and there's
24 a feedback loop that goes around and around year
25 in and year out about how we're doing.

1 A. I think the answer to the question might
2 depend on who you ask on campus.

3 Q. Is -- is there anybody who's opinion
4 would actually control that decision for the
5 University?

6 MR. SCUDDER: Object to the form.

7 A. Which decision are you speaking of?

8 Q. (Mr. Strawbridge) The decision as to
9 whether or not you are succeeding or failing in
10 providing the educational benefits of racial
11 diversity.

12 A. I -- I don't know.

13 Q. If UNC stopped using race today, do you
14 know what effect would be on racial diversity in
15 the admissions process?

16 A. I think we'd have a less racially and
17 ethnically diverse class than we did.

18 Q. And why do you think that?

19 A. I think that we'd enroll fewer
20 underrepresented students, for example, than we do
21 today.

22 Q. And you think that, even if UNC retained
23 its holistic process otherwise?

24 A. I think so.

25 Q. And why is that?

1 course of evaluating a student it's hard to
2 determine which one thing is decisive. I mean,
3 there's the whole of the student and it's hard to
4 pull any one part of the student out and say that
5 this was the thing that made the difference or
6 that was the thing that made the difference.

7 Q. I guess I'm just trying to reconcile
8 your testimony that if UNC were to stop using
9 race, you expect there would be a drop in racial
10 diversity with -- with your answer just now.
11 Either -- either you think it makes a difference
12 that would lead to a substantial drop in racial
13 diversity or you don't. So do you think it makes
14 a difference in a substantial number of admission
15 decisions, the race of the applicant?

16 MR. SCUDDER: Objection to the
17 form.

18 A. I think I -- I think I answered your
19 question. You know, in the course of an
20 evaluation of individual people as they come to
21 us, race does make a difference in the decisions
22 that we make.

23 Q. (Mr. Strawbridge) And do you know how
24 many decisions it makes a difference?

25 A. I don't know.

1 control feedback from senior people who've been
2 around awhile.

3 Q. Do students ever -- do -- do -- are
4 readers instructed that -- that one of the goals
5 of the Admissions Office is to -- is to increase
6 the number of students who strengthen diversity?

7 A. We've had the goal of increasing the
8 number of students who strengthen diversity or
9 strengthening our recruitment of people who
10 strengthen diversity over time.

11 Q. And does strengthen diversity often used
12 as -- as reference to racial diversity?

13 MR. SCUDDER: Object to the form.

14 A. It's never used exclusively as a
15 reference to racial diversity.

16 Q. Is it sometimes understood by the
17 admissions officers to refer to racial diversity?

18 MR. SCUDDER: Object to the form.

19 A. I hope it's never understood to refer
20 only to racial or ethnic diversity. I also hope
21 that it's understood to include racial and ethnic
22 diversity.

23 Q. (Mr. Strawbridge) Is URM -- are URMs
24 often identified as a priority group for students
25 who strengthen diversity in the Admissions Office?

1 developed a standard report that she ran I think
2 every two weeks or maybe every month and sent
3 around to different people. I think she sent it
4 around to staff members and she had sent around it
5 to a couple of others.

6 So ---

7 Q. Let me just ask a question.

8 A. Sure.

9 Q. When these Core reports were created
10 among the disaggregated data that was made
11 available, was that -- did that include the race
12 and ethnicity of the applicants?

13 A. Yes. It included the race or ethnicity
14 information that applicants had provided to us on
15 their applications.

16 Q. And when the Core report was created,
17 did it provide the number of students basically
18 who had applied who fell into these disaggregated
19 categories?

20 A. Yes. I believe it did.

21 Q. Did it also include the number of
22 students which had been admitted so far?

23 A. Yes. I think it did.

24 Q. Okay. And that ---

25 A. I think maybe also the number who --

1 A. Melissa, Florio, Barbara Polk, I think,
2 Jen Kretchmar, I think. And I think that's it.

3 Q. (Mr. Strawbridge) And prior to this --
4 in 2006, the Core reports were going around, who
5 received the Core reports?

6 A. I think Jen sent them to everybody on
7 staff.

8 Q. Including all the readers?

9 A. I think so, yes. But I don't know.

10 Q. And after this adjustment was made and
11 these reports were being automatically generated
12 in 2011, were the reports -- was the information
13 that was available in the reports available to
14 anyone other than those who received it?

15 A. I think -- what do you mean by
16 available?

17 Q. Was there some way to go online and look
18 up that information on the live databases as
19 opposed to looking at the report that was put in
20 your inbox?

21 A. I don't know.

22 Q. Okay. All right. Do you know whether
23 that information was made available on request to
24 readers during the admissions process?

25 A. I don't know.

MR. SCUDDER: The dashboard report?

A. Well, it's the -- sometimes you refer to it -- we referred to it as a version of the Core report. Sometimes it was, unless -- so perhaps I should ask you, do you have a copy of the dashboard report that you'd like to show me so that I can make sure that I'm answering your question accurately?

Q. (Mr. Strawbridge) I'm happy to show you a document, but my real question is just do you know what was on the dashboard that was available to the readers?

A. You're asking me to -- this was four years ago, five years ago. I can't remember everything that was on reports that we ran four to five years ago. I'm sorry.

Q. At some point was there a decision made to remove race or ethnicity information with respect to how the applications process was progressing from being available to the readers of the applications?

A. Yes.

Q. And when was that decision made?

A. I think we made that decision in fall of 2015.

1 Q. So after the lawsuit was filed in this
2 case.

3 A. In fall of 2015.

4 Q. Do you know when the lawsuit was filed
5 in this case?

6 A. I think about three years ago.

7 Q. In the fall of 2014? Is that your
8 recollection?

9 A. I accept your statement of it.

10 Q. Okay.

11 A. I'm sure you know.

12 Q. Was the removal of race and ethnicity
13 done after consultation with counsel?

14 A. We spent so much time with counsel.

15 MR. SCUDDER: Don't reveal the
16 content of anything we've spoken about.

17 Q. (Mr. Strawbridge) Do you know?

18 A. I don't think we needed that information
19 to do our work, so we took it off.

20 Q. Then if you didn't need that information
21 to do your work, why was it included for the years
22 prior?

23 A. I think because it was on the template
24 that we originally borrowed from another
25 institution.

1 how you might achieve diversity by using these in
2 lieu of using race?

3 A. We used these in addition to using race.

4 We wanted to see the difference that they would
5 make in addition to using race.

6 Q. When did you actually first analyze what
7 you could replace the use of race with?

8 A. You mean in admissions specifically?

9 Q. Yes.

10 A. Okay. Because again the race neutral
11 strategies document from the Department of
12 Education ---

13 Q. I'm not asking you about that document.
14 I'm asking you what you did. Please confine your
15 answer to my questions. We have limited time,
16 Mr. Farmer. I don't need to know what the
17 document said. I'm asking when was the last time
18 you looked at an alternative.

19 A. The last time?

20 MR. SCUDDER: Object to the form.

21 Q. (Mr. Strawbridge) The first time. I'm
22 sorry.

23 A. I think it was about in 2007. You know,
24 I remember taking a look or pulling data from -- I
25 think the system we were using at the time was

1 Admission Pros and, you know, we were working -- I
2 was working with the big data set. There were a
3 lot of students listed there and we had limited
4 information about them, but we did have
5 information on -- I mean, I talked about a little
6 bit of it earlier, race, ethnicity, first
7 generation college, whether somebody had applied
8 with a fee waiver. I think we used the coll -- I
9 can't remember exactly, but I think we used the
10 College Board codes to sort of determine who
11 attended free and reduced price lunch, high
12 schools -- or high schools that had high
13 percentages of free and reduced price lunch.

14 And so we tried that -- I tried to see
15 if there were factors in those data that we could
16 apply mechanically to other admissions
17 credentials, like top 10 percent, like GPA, like
18 our ratings for program and performance that would
19 yield a class with similar diversity and also
20 similar academic credentials. That was in 2007.

21 Q. And what was your standard for
22 similarity? How close did it have to be?

23 A. I can't remember.

24 Q. Do you know if it was, as you've
25 testified today, had to be equal to what you were

1 currently doing?

2 A. I honestly can't remember.

3 Q. Okay. Is it possible that you were --
4 you were trying to see if it hit exactly what you
5 were doing or better?

6 A. I don't know how to address the
7 possibility. I think anything is possible. I
8 said I can't remember.

9 Q. Do you know whether or not -- strike
10 that.

11 Are those formulas still available to
12 you today?

13 A. I -- I think there's a spreadsheet
14 probably somewhere on my hard drive that shows a
15 summary of the information or some data of the
16 information, but I don't know that I could
17 reproduce that study today. It's probably that
18 we're working out of a different information
19 system today than we were then.

20 Q. Other than -- other than an electronic
21 spreadsheet, do you create any work product
22 reflecting your analysis of those formulas?

23 A. Not at the time, no.

24 Q. Did you discuss it with anyone else in
25 the office?

1 A. I think I did, yes.

2 Q. Who?

3 A. I don't recall, but I -- I would think I
4 discussed them. I -- but I don't -- I don't have
5 a specific recollection of talking about it with
6 an individual person.

7 Q. Do you know whether those results were
8 ever shared with the Faculty Advisory Committee on
9 Undergraduate Admissions?

10 A. I don't remember.

11 Q. Do you know whether those results were
12 ever actually shared with the Office of Civil
13 Rights ---

14 A. I ---

15 Q. --- or the Department of Education?

16 A. I don't remember specifically. You
17 know, if -- I think the OCR complaint was really
18 focusing more on comprehensive review, but I may
19 be mis-remembering there.

20 Q. So you wouldn't know if the actual
21 results in your analysis was provided to OCR?

22 A. I can't remember.

23 Q. Okay. After -- besides that, what was
24 the next time that you actually considered race-
25 neutral strategies that could be used as an

1 of them when we're making decisions about
2 individual students.

3 Q. (Mr. Strawbridge) And notwithstanding
4 that individual decision process and the range of
5 SAT scores you admit, you still consider a average
6 drop of 50 points to be a significant drop for
7 purposes of analyzing a race-neutral alternative?

8 A. Across a population of 4,000 or 41 or
9 4200 hundred people, yeah.

10 Q. Even though -- even though UNC does not
11 seek to maximize the average SAT score of the
12 class?

13 A. We want capable students who are going
14 to succeed here and thrive.

15 Q. Do you think you've ever admitted some
16 students who weren't capable of thriving at UNC?

17 A. We've never knowingly admitted anyone we
18 thought incapable of thriving at UNC.

19 Q. Do you think that UNC's current
20 admissions process admits students who lack the
21 academic preparation to succeed at UNC?

22 A. I think the students we admit are
23 students we're confident have the capacity to
24 succeed at UNC. I will say that, you know, as is
25 in the case with all assessments of people and all

1 example, please?

2 A. Well you just did, but go ahead. I'm
3 sorry. I do think I just answered your question.

4 Q. Is there any rule that requires -- that
5 limits the use of race in the admissions process
6 to students who, somewhere in their application,
7 identify the effect that their race had on their
8 experiences?

9 MR. SCUDDER: Object to form.

10 A. I think I answered that question
11 earlier.

12 Q. Yeah, I'm asking you what it is now.
13 Because I'm not sure I understand your answer.

14 A. I'm sorry. I -- I think I answered
15 that.

16 Q. Are you refusing to answer this question
17 now, sir?

18 A. I'm answering it by telling you that I
19 think I already answered it.

20 Q. So, can you say yes or no now?

21 MR. SCUDDER: Can you repeat the
22 question, Patrick?

23 Q. (Mr. Strawbridge) Is there any rule,
24 with respect to how UNC reads its admissions
25 files, that limits its use of race only to those

1 students in -- whose applications describe some
2 way in which how race affected them.

3 A. As I said before, I think, no.

4 Q. Is there a particular way in which you
5 think a student's race necessarily has an effect
6 on other people at this campus?

7 A. You mean in every instance?

8 Q. Yes.

9 A. I -- I don't think I have a universal
10 idea about how an individual student's race plays
11 out on this campus. No.

12 Q. Okay.

13 A. Thank you.

14 (**EXHIBIT NUMBER 12 WAS MARKED**)

15 Q. This is Exhibit 12.

16 (Witness examined document)

17 A. Is there a particular part that you're
18 wanting me to look at?

19 Q. Let me just ask you now. Are you
20 familiar with polling with respect to the U.S.
21 opinion with the use of race in college
22 admissions?

23 A. I've seen different reports about it
24 over time. Yes.

25 Q. Are you familiar with the Gallup Pole